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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

HAROLD HARDEN,

Case No. 2:14-cv-00377-APG-PAL

Plaintiff,

ORDER DENYING OBJECTION

v.

(ECF No. 176)

CHRISTINE MONINGOFF and RAFAEL AGUILERA, 1

Defendants.

Plaintiff Harold Harden, a prisoner, filed this lawsuit alleging that in April 2012, defendant Christine Moninghoff moved Harden to the mental health segregation unit at High Desert State Prison ("HDSP") without prior notice and without his consent. ECF No. 17 at 4. He alleges that once there he was forced to take psychiatric drugs that resulted in an allergic reaction. Id. He also alleges that defendant Rafael Aguilera transported him to the mental health segregation unit against his will and without any notice or opportunity to be heard. *Id*.

I previously granted summary judgment in the defendants' favor. ECF No. 167. I then denied Harden's motion for reconsideration. ECF No. 175. Harden objects to my ruling denying reconsideration. I lack jurisdiction to consider the objection because Harden filed a notice of appeal (ECF No. 177). See Fed. R. App. P. 4 (allowing certain types of motions to extend the time to file an appeal until after the district court resolves the motions, but a motion to reconsider denial of a Rule 50(b) or Rule 59 motion is not among those listed); Fed. R. Civ. P. 62.1(a)(2) (allowing a district court to deny a motion that it lacks jurisdiction to consider because an appeal is pending).

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¹ Incorrectly identified in the complaint as Dr. Monninghoff and S/O Agular.

IT IS THEREFORE ORDERED that plaintiff Harold Harden's objection (ECF No. 17 is DENIED DATED this 4th day of January, 2017. ANDREW P. GORDON UNITED STATES DISTRICT JUDGE ANDREW P. GORDON UNITED STATES DISTRICT JUDGE ANDREW P. GORDON UNITED STATES DISTRICT JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28		Case 2:14-cv-00377-APG-PAL Document 180 Filed 01/04/17 Page 2 of 2
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